

1-1 By: Paxton, et al. S.B. No. 13
 1-2 (In the Senate - Filed March 9, 2023; March 9, 2023, read
 1-3 first time and referred to Committee on Education; April 11, 2023,
 1-4 reported adversely, with favorable Committee Substitute by the
 1-5 following vote: Yeas 9, Nays 2; April 11, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14		X		
1-15		X		
1-16	X			
1-17	X			
1-18	X			
1-19	X			
1-20			X	

1-21 COMMITTEE SUBSTITUTE FOR S.B. No. 13 By: Springer

1-22 A BILL TO BE ENTITLED
 1-23 AN ACT

1-24 relating to a school district's library materials and catalog, the
 1-25 creation of local school library advisory councils, and parental
 1-26 rights regarding public school library catalogs and access by the
 1-27 parent's child to library materials.

1-28 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-29 SECTION 1. Section 26.004(b), Education Code, is amended to
 1-30 read as follows:

1-31 (b) A parent is entitled to access to all written records of
 1-32 a school district concerning the parent's child, including:

- 1-33 (1) attendance records;
- 1-34 (2) test scores;
- 1-35 (3) grades;
- 1-36 (4) disciplinary records;
- 1-37 (5) counseling records;
- 1-38 (6) psychological records;
- 1-39 (7) applications for admission;
- 1-40 (8) health and immunization information;
- 1-41 (9) teacher and school counselor evaluations;
- 1-42 (10) reports of behavioral patterns; ~~and~~
- 1-43 (11) records relating to assistance provided for
 1-44 learning difficulties, including information collected regarding
 1-45 any intervention strategies used with the child; and
- 1-46 (12) records relating to school library materials the
 1-47 child obtains from a school library.

1-48 SECTION 2. Chapter 26, Education Code, is amended by adding
 1-49 Section 26.017 to read as follows:

1-50 Sec. 26.017. NOTICE REGARDING SCHOOL LIBRARY MATERIALS.

1-51 (a) Before each school year, a school district shall provide
 1-52 written notice to a parent of each child enrolled in the district
 1-53 regarding the option to receive notice each time the child obtains a
 1-54 school library material from a school library in the district.

1-55 (b) For each parent who elects to receive notice under
 1-56 Subsection (a), the school district shall notify the parent by
 1-57 e-mail each time the parent's child obtains a school library
 1-58 material from a school library in the district. The notice must
 1-59 include, as applicable, the title, author, genre, and return date
 1-60 of the school library material.

2-1 SECTION 3. Subchapter B, Chapter 33, Education Code, is
2-2 amended by adding Section 33.020 to read as follows:

2-3 Sec. 33.020. DEFINITIONS. In this subchapter:

2-4 (1) "Harmful material" has the meaning assigned by
2-5 Section 43.24, Penal Code.

2-6 (2) "Indecent content" means content that portrays
2-7 sexual or excretory organs or activities in a way that is patently
2-8 offensive.

2-9 (3) "Library material" means any book, record, file,
2-10 or other instrument or document in a school district's library
2-11 catalog. The term does not include instructional material, as
2-12 defined by Section 31.002, or materials procured for the TexShare
2-13 consortium under Subchapter M, Chapter 441, Government Code.

2-14 (4) "Profane content" means content that includes
2-15 grossly offensive language that is considered a public nuisance.

2-16 SECTION 4. Section 33.021, Education Code, is amended to
2-17 read as follows:

2-18 Sec. 33.021. LIBRARY STANDARDS. (a) The Texas State
2-19 Library and Archives Commission[~~, in consultation with the State~~
2-20 ~~Board of Education,~~] shall submit proposed [~~adopt~~]
2-21 standards for school library services to the State Board of Education for
2-22 approval or disapproval.

2-23 (b) The standards approved under Subsection (a) must
2-24 include a collection development policy that:

2-25 (1) prohibits the acquisition or retention of:

2-26 (A) harmful material; and

2-27 (B) material containing indecent content or
2-28 profane content;

2-29 (2) demonstrates a commitment to compliance with the
2-30 Children's Internet Protection Act (Pub. L. No. 106-554),
2-31 including through the use of technology protection measures, as
2-32 defined by that Act; and

2-33 (3) prohibits the removal of library materials solely
2-34 because of the ideas expressed in the library materials.

2-35 (c) A school district shall adhere to [~~consider~~]
2-36 standards approved under Subsection (a) in developing,
2-37 implementing, or expanding library services.

2-38 (d) A school district may adopt local policies and
2-39 procedures in addition to the standards approved under Subsection
2-40 (a) that do not conflict with the standards approved under
2-41 Subsection (a) or other requirements of this code.

2-42 SECTION 5. Subchapter B, Chapter 33, Education Code, is
2-43 amended by adding Sections 33.026, 33.027, and 33.028 to read as
2-44 follows:

2-45 Sec. 33.026. LOCAL SCHOOL LIBRARY ADVISORY COUNCIL. (a)
2-46 The board of trustees of each school district shall establish a
2-47 local school library advisory council to assist the district in
2-48 ensuring that local community values are reflected in each school
2-49 library catalog in the district.

2-50 (b) Except as provided by Section 33.027(c), a school
2-51 district must consider the recommendations of the local school
2-52 library advisory council before:

2-53 (1) adding library materials to a school library
2-54 catalog;

2-55 (2) removing library materials from a school library
2-56 catalog following a challenge under Section 33.028; or

2-57 (3) making changes to policies or guidelines related
2-58 to a school library catalog.

2-59 (c) The local school library advisory council's duties
2-60 include recommending:

2-61 (1) policies and procedures for the procurement of
2-62 library materials consistent with local community values;

2-63 (2) library materials appropriate for each grade
2-64 level;

2-65 (3) if feasible, joint use agreements or strategies
2-66 for collaboration between the school district and local public
2-67 libraries and community organizations;

2-68 (4) the removal of any library materials that the
2-69 council determines to be:

- 3-1 (A) harmful material or material containing
3-2 indecent content or profane content; or
3-3 (B) inconsistent with local community values;
3-4 (5) the policies and procedures for processing
3-5 challenges received under Section 33.028; and
3-6 (6) the action to be taken by the district in response
3-7 to a challenge received under Section 33.028.
3-8 (d) Any recommendation made by the local school library
3-9 advisory council must adhere to the library standards approved
3-10 under Section 33.021.
3-11 (e) The local school library advisory council must consist
3-12 of at least five members, with each member appointed by the board of
3-13 trustees, and with each trustee appointing an equal number of
3-14 members. A majority of the voting members of the council must be
3-15 persons who are parents of students enrolled in the district and who
3-16 are not employed by the district. One of those members shall serve
3-17 as chair of the council. The board of trustees may also appoint one
3-18 or more persons to serve as nonvoting members of the council from
3-19 any of the following groups:
3-20 (1) classroom teachers employed by the district;
3-21 (2) librarians employed by the district;
3-22 (3) school counselors certified under Subchapter B,
3-23 Chapter 21, employed by the district;
3-24 (4) school administrators employed by the district;
3-25 (5) district students;
3-26 (6) the business community; and
3-27 (7) the clergy.
3-28 (f) The local school library advisory council shall meet at
3-29 least two times each year. For each meeting, the council shall:
3-30 (1) at least 72 hours before the meeting:
3-31 (A) post notice of the date, hour, place, and
3-32 subject of the meeting on a bulletin board in the central
3-33 administrative office of each campus in the school district; and
3-34 (B) ensure that the notice required under
3-35 Paragraph (A) is posted on the district's Internet website, if the
3-36 district has an Internet website;
3-37 (2) prepare and maintain minutes of the meeting that
3-38 state the subject and content of each deliberation and each vote,
3-39 order, decision, or other action taken by the council during the
3-40 meeting;
3-41 (3) make an audio or video recording of the meeting;
3-42 and
3-43 (4) not later than the 10th day after the meeting,
3-44 submit the minutes and audio or video recording of the meeting to
3-45 the district.
3-46 (g) As soon as practicable after receipt of the minutes and
3-47 audio or video recording under Subsection (f)(4), the school
3-48 district shall post the minutes and audio or video recording on the
3-49 district's Internet website, if the district has an Internet
3-50 website.
3-51 Sec. 33.027. PROCUREMENT OF LIBRARY MATERIALS. (a) The
3-52 board of trustees of a school district shall adopt a policy for the
3-53 procurement of library materials. The policy must require the
3-54 board to:
3-55 (1) approve all library materials to be procured by a
3-56 school library in the district, with the advice and recommendations
3-57 of the district's local school library advisory council established
3-58 under Section 33.026;
3-59 (2) make the list of library materials proposed to be
3-60 procured accessible for review by the public for at least 30 days
3-61 before final approval;
3-62 (3) approve or reject the list of library materials
3-63 proposed to be procured in an open meeting; and
3-64 (4) ensure compliance with the library standards
3-65 approved under Section 33.021.
3-66 (b) Each member of the board of trustees of a school
3-67 district is entitled to:
3-68 (1) review each list of library materials proposed to
3-69 be procured for a school library in the district; and

4-1 (2) propose changes to each list described by
4-2 Subdivision (1) before the board votes to approve or reject the
4-3 list.

4-4 (c) This section does not apply to library materials to be
4-5 procured by a school library that:

4-6 (1) replace a damaged copy of a library material that
4-7 is currently in the school library catalog;

4-8 (2) are additional copies of a library material that
4-9 is currently in the school library catalog; or

4-10 (3) have been approved by the board of trustees of the
4-11 school district from a previous list of library materials proposed
4-12 to be procured for the same grade levels.

4-13 Sec. 33.028. CHALLENGE OR APPEAL REGARDING LIBRARY
4-14 MATERIALS; LOCAL SCHOOL LIBRARY ADVISORY COUNCIL RECOMMENDATIONS.

4-15 (a) A parent of or person standing in parental relation to a
4-16 student enrolled in a school district, a person employed by the
4-17 district, or a person residing in the district may submit:

4-18 (1) to the district a written challenge to any library
4-19 material in the catalog of a school library in the district using
4-20 the form adopted under Subsection (c); or

4-21 (2) to the district's board of trustees an appeal of an
4-22 action taken by the district in response to a written challenge
4-23 received under Subdivision (1).

4-24 (b) Not later than the fifth day after the date on which a
4-25 school district receives a written challenge under Subsection
4-26 (a)(1), the district shall provide a copy of the challenge to the
4-27 district's local school library advisory council established under
4-28 Section 33.026. The council shall make a recommendation for action
4-29 by the district not later than the 90th day after the date on which
4-30 the council receives the copy.

4-31 (b-1) If the procedures recommended by the local school
4-32 library advisory council and adopted by the board of trustees
4-33 permit the appointment of library material review committees that
4-34 consist of persons who are not members of the council to review
4-35 materials challenged under Subsection (a)(1), the council may base
4-36 the council's recommendation for action to be taken by the district
4-37 under Subsection (b) on the recommendation of a library material
4-38 review committee if the committee consists of at least five persons
4-39 appointed by the board of trustees, a majority of whom are parents
4-40 of students enrolled in the school district and are not employed by
4-41 the district.

4-42 (c) The agency shall adopt and post on the agency's Internet
4-43 website a form to be used in making a written challenge under
4-44 Subsection (a)(1). Each school district shall post the form on the
4-45 district's Internet website, if the district has an Internet
4-46 website. The form shall require the person submitting the form to
4-47 identify how the challenged library material violates the library
4-48 standards approved under Section 33.021.

4-49 (d) In taking action on a written challenge submitted under
4-50 Subsection (a)(1) or an appeal under Subsection (a)(2), the board
4-51 of trustees of a school district shall consider:

4-52 (1) the advice of the district's local school library
4-53 advisory council; and

4-54 (2) whether the library material challenged under
4-55 Subsection (a)(1) or appealed under Subsection (a)(2) is suitable
4-56 for the subject and grade level for which the library material is
4-57 intended, including by considering:

4-58 (A) whether the material adheres to the library
4-59 standards approved under Section 33.021; and

4-60 (B) reviews, if any, of the material conducted by
4-61 academic experts specializing in the subject covered by the library
4-62 material or in the education of students in the subject and grade
4-63 level for which the library material is intended.

4-64 SECTION 6. It is the intent of the legislature that every
4-65 provision, section, subsection, sentence, clause, phrase, or word
4-66 in this Act, and every application of the provisions in this Act to
4-67 every person, group of persons, or circumstances, is severable from
4-68 each other. If any application of any provision in this Act to any
4-69 person, group of persons, or circumstances is found by a court to be

5-1 invalid for any reason, the remaining applications of that
5-2 provision to all other persons and circumstances shall be severed
5-3 and may not be affected.

5-4 SECTION 7. Before the first day of the 2023-2024 school
5-5 year, the board of trustees of each school district shall:

5-6 (1) establish and appoint members of the local school
5-7 library advisory council as required by Section 33.026, Education
5-8 Code, as added by this Act; and

5-9 (2) adopt a policy for the procurement of library
5-10 materials as required by Section 33.027, Education Code, as added
5-11 by this Act.

5-12 SECTION 8. This Act applies beginning with the 2023-2024
5-13 school year.

5-14 SECTION 9. This Act takes effect immediately if it receives
5-15 a vote of two-thirds of all the members elected to each house, as
5-16 provided by Section 39, Article III, Texas Constitution. If this
5-17 Act does not receive the vote necessary for immediate effect, this
5-18 Act takes effect September 1, 2023.

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